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Attorneys for Defendant and Cross-Plaintiff
ALICE A. GREENWAY

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

METROPOLITAN LIFE INSURANCE
COMPANY, a New York corporation,

Plaintiff,

v.

LEELA G. CHISHAM, an individual, and
ALICE A. GREENWAY, an individual

) Case No. C 05-01434 MEJ

)
) **STIPULATION OF DISMISSAL OF**
) **INTERPLEADER COMPLAINT AND**
) **RELATED ACTIONS WITH**
) **PREJUDICE AND ~~PROPOSED~~**
) **ORDER**

) ORDER CLOSING FILE

1 Defendants.)

2 AND RELATED CROSS-COMPLAINTS)

3)
4 Plaintiff and Cross-Defendant Metropolitan Life Insurance Company ("MetLife"),
5 Defendant and Cross-Defendant Leela G. Chisham ("Chisham"), and Defendant and Cross-
6 Plaintiff Alice A. Greenway ("Greenway") have reached a resolution of this matter and Chisham
7 and Greenway have agreed as to how the disputed life insurance benefits at issue should be
8 distributed. The parties agree to dismiss this action in its entirety with prejudice, including any
9 related cross, counter and third party complaints, pursuant to Fed.R.Civ.P. 41(a). Each party
10 shall bear its own fees and costs.

11 The parties seek the Court's approval of dismissal of this action and any related actions
12 with prejudice through the order listed *infra*. The parties also request that the Court disburse the
13 funds deposited with the Court on April 8, 2005, in the amount of Two Hundred Twenty-Six
14 Thousand Four Hundred Seventy-Three Dollars and Forty-Two Cents (\$226,473.42), plus
15 interest, if any, in accordance with the terms agreed to by the parties and as set forth in the order.
16 A copy of the receipt evidencing the funds deposited with the Court is attached hereto as Exhibit
17 1.

18 DATED: October 3, 2005

SEYFARTH SHAW LLP

19 By 

20 Lawrence E. Butler

21 Robin M. Cleary

22 Attorneys for Plaintiff and Cross-Defendant
23 METROPOLITAN LIFE INSURANCE
24 COMPANY
25
26
27
28

1 DATED: September 27, 2005

ROD MOORE

2
3 By [Signature]

Rod Moore

4 Attorney For Defendant And Cross-
Defendant

5 LEELA G. CHISHAM

6 DATED: September 29, 2005

DU CHARME & COHEN

7
8 BY [Signature]

James A. Du Charme

9 Attorney For Defendant And Cross-Plaintiff
ALICE A. GREENWAY

10
11 **ORDER**

12 Pursuant to the stipulation by the parties, IT IS SO ORDERED that:

- 13 1. The complaint in interpleader be dismissed with prejudice;
14 2. All related cross, counter and third party complaints be dismissed with prejudice;
15 3. Defendants to receive their share of the disputed funds as follows:

16 a. Alice A Greenway to receive Forty-Five Thousand Dollars (\$45,000.00)

17 made payable to the DuCharme & Cohen Attorney Client Trust; and

18 b. Leela G. Chisham to receive the remainder of the funds and interest
19 deposited, totaling One Hundred Eighty-One Thousand Four Hundred Seventy-Three Dollars
20 and Forty-Two Cents (\$181,473.42), made payable jointly to Leela G. Chisham and her attorney,
21 Rod Moore. Interest, if any, from the account in which the Interpleader funds were deposited
22 with the Court on or around April 8, 2005, shall also be paid to Leela G. Chisham and her
23 attorney.

- 24 4. All parties are to bear their own fees and costs.

25 IT IS SO ORDERED.

26 The Clerk of Court shall close the file

27 DATED: October 4, 2005

28
Hon. [Signature]
United States Magistrate Judge



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EXHIBIT 1

(1 PAGE TO FOLLOW)

HH

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the

NORTHERN DISTRICT OF
CALIFORNIA

SAN FRANCISCO, CA

3371118

RECEIVED FROM:
MET-LIFE
POB 3016
UTICA, NY 135043016

Case Number:
3:05CV01434-MEJ

F/U/B/O:

Party ID:

Tender Type: CHECK
05-604700 \$226,473.42

Registry Funds

Remarks:1413234

Subtotal: \$226,473.42

Receipt Total: \$226,473.42

* Checks and drafts are accepted
subject to collections and full
credit will only be given when
the check or draft has been
accepted by the financial
institution on which it was drawn.

Date: 4/8/05
Clerk: